

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOLLAR CASTLE, INC.

Plaintiff,

v.

Case No. 05-70278

S & D RETAIL, LLC,

Honorable Patrick J. Duggan

Defendant.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on April 25, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Plaintiff filed this lawsuit on January 25, 2005, alleging that Defendant wrongfully continued to use Plaintiff's trademarks after Plaintiff terminated a franchise agreement between Plaintiff and Defendant on October 8, 2004. When it terminated the franchise agreement, Plaintiff gave Defendant until January 18, 2005, to cease using its marks. Presently before the Court is Plaintiff's motion for default judgment. The Court held a hearing on the motion for default judgment on April 21, 2005.

Plaintiff seeks the following relief in its motion for default judgment: (1) a permanent injunction prohibiting Defendant from using its marks; (2) damages in the

amount of \$207,871.68 for Plaintiff's wrongful use of the marks from January through March 2005; and (3) costs and attorney's fees.

Defendant's President, Sami Loussia, appeared at the default judgment hearing. Mr. Loussia informed the Court that Defendant does not oppose the issuance of a permanent injunction, but would like to retain an attorney to address Plaintiff's requested damages. Mr. Loussia further informed the Court, as he had offered Plaintiff's counsel prior to the hearing, that Defendant was willing to pay Plaintiff's expenses for having to file and attend the hearing on its motion for default judgment.

In light of Defendant's representations, the Court will adjourn the hearing on the motion for default judgment to allow Defendant to retain counsel. As the Court informed the parties, however, if an attorney does not enter an appearance on behalf of Defendant on or before May 19, 2005, the Court will grant Plaintiff's request for a default judgment and award Plaintiff damages in the amount requested. As Defendant consents to the entry of a permanent injunction, and the Court finds that Plaintiff has established its entitlement to a permanent injunction, the Court will issue such an injunction upon submission of an order by Plaintiff's counsel.

Accordingly,

IT IS ORDERED, that the hearing on Plaintiff's motion for default judgment is **ADJOURNED UNTIL MAY 24, 2005 AT 2:00 p.m.;**

IT IS FURTHER ORDERED, that Defendant shall pay Plaintiff's counsel **ATTORNEY'S FEES IN THE AMOUNT OF \$1,200 ON OR BEFORE MAY 24, 2005**, for preparing and attending the hearing on Plaintiff's motion for default judgment.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Mark D. Schneider, Esq.

S&D Retail, LLC
c/o Mr. Sami Loussia
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Farmington, MI 48336